

The gradual opening of Togo's media environment continued in 2014, particularly through the launch of a number of new private broadcast stations and increased audience access to diverse perspectives. However, press freedom still faced constraints including a state regulatory body with broad power to sanction journalists and media outlets, the lack of a freedom of information law, and impunity for attacks against journalists.

Legal Environment

While the constitution and other laws protect the freedoms of speech and the press, enforcement has long been a problem. A 2004 amendment to the Press and Communications Code abolished prison terms for press offenses, but retained fines ranging from 100,000 to 5 million CFA francs (\$200 to \$10,000) for defamation, depending on the status of the aggrieved party, with offenses against the president drawing the heaviest penalties. Article 58 of the penal code also prescribes fines for defamation. Judges have traditionally applied the penal code rather than the press code in such cases. However, after a spike in prosecutions in 2010, particularly concerning President Faure Gnassingbé and his family, defamation cases have declined in recent years.

Togo does not have a law guaranteeing access to information, and in practice official information is difficult to obtain, particularly for private media outlets. Print media are not required to seek permission from state authorities before publishing, and there is no law restricting the practice of journalism to those with a certain academic background. Increasingly, journalists and media workers are forming associations to oversee the professionalization of the sector, as well as to advocate for journalists' rights, and many of these groups became more outspoken over the course of 2014.

The power of the state regulatory body, the High Authority of Broadcasting and Communications (HAAC), has gradually increased in recent years. A 2009 law enables the HAAC to impose severe penalties—including the suspension of publications or broadcasts for up to six months and the confiscation of press cards—if outlets or journalists are found to have made “serious errors” or to be “endangering national security.” In February 2013, the law was amended to give the HAAC, among other powers, the ability to shut down media outlets without a court order. However, following journalist protests and a nationwide media blackout in March 2013, the constitutional court struck down the amendments.

In 2014, although journalists were still wary of the HAAC's ability to crack down on critical reporting, there were indications that the regulator was operating with more independence from the government, and was more willing to resolve media disputes fairly. The authority also intensified its engagement with press associations and civil society during the year, collaborating on issues such as regulating violent and erotic content on television, in what was billed as a move to protect children. In March 2014, the HAAC adopted an order aimed at improving access to the public media for political parties and private institutions, and followed up with an outreach campaign to educate civil society about their rights of access.

Licensing of media outlets, particularly broadcast outlets, has long been problematic in Togo. In 2013, police shut down the private station Radio Légende FM when it aired accusations—which ultimately proved to be false—of electoral fraud during the July legislative elections. This action led to angry protests in which two police officers were taken hostage, requiring the intervention of an independent mediator. The HAAC subsequently suspended the station, and refused to renew its license that August, forcing its permanent closure. However, the station continued to maintain a website and broadcast online. Reflecting

the increasing prevalence of online news content, the HAAC targeted a news website for the first time in September 2014. It delayed the launch of the site, Afrikaexpress.info, and ordered the outlet's main office in Lomé to be shut down for not obeying licensing requirements. The regulator accused the site's director, Carmel Max Savi of Benin, of engaging in a "disinformation campaign" against Togo.

In a positive step, the HAAC approved three new commercial radio stations and five new community radio stations during 2014. Resistance to such approvals in previous years had been blamed on the limited availability of frequencies. According to the government, licensing costs for television stations outside of the capital have been lowered in an effort to increase access among rural populations, although no new television stations opened during the year.

Political Environment

Government control over the editorial content of state media—the daily *Togo-Presse*, Television Togolaise (TVT), Radio Togolaise, and the Togo News Agency (ATOP)—continues to be a problem. Meanwhile, the private and independent media have become more active and expressed a wider variety of viewpoints in recent years.

Journalists in Togo have traditionally operated in fear of violent attacks and harassment for their reporting, and some continue to engage in self-censorship, particularly on issues concerning corruption, national security, the military, and Gnassingbé's family. The incidence of direct attacks on journalists has fluctuated over the last few years, with increases reported around election periods or during antigovernment protests. Journalists faced several violent clashes with security forces in 2013, mostly in relation to their attempts to cover protests. While the number of attacks decreased in 2014, impunity for past crimes against journalists remains a serious concern. No individuals were prosecuted for any of the 2013 attacks, and at least one victim was still in exile in 2014.

Of the attacks that took place in 2014, the majority were perpetrated by members of the paramilitary police—the gendarmerie—often while the reporters in question were trying to cover the gendarmerie's own activities. For example, in January, a journalist with the private radio station Océan FM was arrested and detained for several hours after attempting to report on the seizure of illegally acquired fuel by members of the gendarmerie. The coverage of a similar incident led to the detention and brutal assault of a journalist with the bimonthly *Focus Info*, who also had his equipment seized and his photographs destroyed.

Economic Environment

Togo boasts a particularly large number of print outlets for a country of its size. According to statistics released by the HAAC and verified by the Togolese Media Observatory (OTM), in 2014 there were more than 430 private newspapers (of which some 230 published semi-regularly), 85 private radio stations, and 11 television channels operating in the country. The number of radio stations increased significantly in 2014 as the HAAC began issuing licenses that it had previously withheld.

Despite the number of private media outlets, state media still enjoy dominance, as each has the greatest reach in its medium. Nevertheless, the state-run outlets continue to suffer from poor infrastructure and mismanagement. Most media companies, both public and private, are economically vulnerable. Journalists receive meager wages, and the small pool of private advertising comes primarily from international organizations. Media content is still highly politicized, influenced by special interests, and susceptible to

corruption due to low pay; government subsidies are frequently used to reward favorable coverage. Printing facilities are outdated, and while the government owns a more modern press, it too suffers from disrepair.

Nearly 6 percent of the population was able to access the internet as of 2014, a relatively high penetration rate by regional standards, and mobile telephone usage is rapidly increasing. The country was connected to undersea fiber-optic cables in 2012, but internet activity remains constrained by poverty, inadequate infrastructure, and high access costs. While the government generally does not impose restrictions or censorship on internet content, local authorities do reportedly slow down or cut off access if it serves their interests, as during an election.

In December 2012, the National Assembly adopted a law on electronic communications, amended in early 2013, with the aim of encouraging competition among network providers and expanding the options available to consumers. In 2014, the government's attention was focused on preparing for the transition to digital broadcasting, planned for 2015.